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Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 52602
First named inventor: <u>Thomas Terwee</u>		
Application No.: <u>10/801,353</u>	Art Unit: <u>3774</u>	
Filed: <u>March 16, 2004</u>	Examiner: <u>Prebilic, Paul B.</u>	
Title: <u>New Method</u>		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional		
1. Petition Fee <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity-fee \$ <u>1620.00</u> (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>replacement drawings</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith: <u>06/03/2011 HMARZ11 00000020 502317 10801353</u> B. The issue fee and publication fee (if applicable) of \$ <u>01 FC:1453 1620.00 DA</u> <input checked="" type="checkbox"/> has been paid previously on <u>May 6, 2011</u> <input type="checkbox"/> is enclosed herewith.		

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Roy A. Kim/

Signature

Roy A. Kim

Type or Printed name

1700 E. St. Andrew Place

Address

Santa Ana, CA 92705

Address

Date

51,883

Registration Number, If applicable

714-247-8232

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

June 2, 2011
DateHeidi Ventura
Signature

Heidi Ventura

Typed or printed name of person signing certificate

JUN 02 2011

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/801,353 Confirmation No. 2120
Applicant : Thomas Terwee
Filed : March 16, 2004
TC/A.U. : 3774
Examiner : Prebilic, Paul B.
Docket No. : 52602

Title: NEW METHOD

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT THAT ENTIRE DELAY WAS UNINTENTIONAL ACCOMPANYING
PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37
C.F.R. § 1.137(b)

Sir:

The above-identified application became abandoned for failure to timely file corrected drawing as required by, and within the three-month period set in, the Notice of Allowability (PTO-37) due on May 9, 2011.

Applicants are submitting the enclosed Petition for Revival and Fee Transmittal here within. The delay in submitting corrected drawing was inadvertent. Thus, the entire delay in filing the required reply, namely submitting the corrected drawing, from the due date for the reply (May 9, 2011) until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

If for some reason Applicants have not paid a sufficient fee for this response, please consider this as authorization to charge Deposit Account No. 502317 for any fee which may be due.

Appl. No. 10/801,353

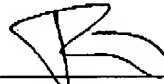
Reply dated May 6, 2011

Reply to Notice of Allowance and Fee(s) Due dated February 7, 2011

Respectfully submitted,

June 2, 2011

By



Roy Kim

Reg. No. 51,883

Tel.: (714) 247-8232